IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY & INTESTATE JURISDICTION

NOTICE OF MOTION NO. 3772 OF 2004

IN

MISC. PETITION NO. 33 OF 2004

IN

PETITION NO. 143 OF 2004

Vispy Kapadia & Anr. ... Petitioners.

Vs.

Kisan Yashwant Dhomase & Anr. ... Respondents.

Ms.Nilima Dutt for the Petitioners.

Mr. A.J.Almedia for the Respondents.

CORAM : S.K.Shah, J.
DATE : December 23, 2004.

P.C.:-

1. Heard the learned Counsel on both sides.

2. By Order, dated 30th September, 2004, passed in Misc. Petition No. 143 of 2004 in Misc.Petition(L) No. 565/2004, grant of probate issued in favour of the respondents, was revoked. Against that Order, Appeal No. 695 of 2004 is filed, which is admitted. The learned Counsel for the Petitioner submits that the

Order of this Court is not stayed. She further submits that the Respondent is misusing the grant of probate in his favour and, therefore, requests for a direction to the respondents to deposit the probate with the Prothonotary of this Court.

3. The learned Counsel for the Respondents submits that if the Court directs, the Respondent would deposit the Probate with the Prothonotary, by tomorrow.

4. It is directed that the Respondent shall deposit the grant of probate, made in his favour, with the Prothonotary by tomorrow, Friday, the 24th of December, 2004.

5. The notice of motion is disposed of acordingly.

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[S.K.Shah, J.]